

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CRYOVAC INC.,)
)
Plaintiff/Counter-Defendant,)
)
v.) Civil Action No. 04-1278-KAJ
)
PECHINEY PLASTIC PACKAGING,)
INC.,)
)
Defendant/Counter-Plaintiff.)

ORDER

For the reasons set forth in the Memorandum Opinion issued in this matter today,

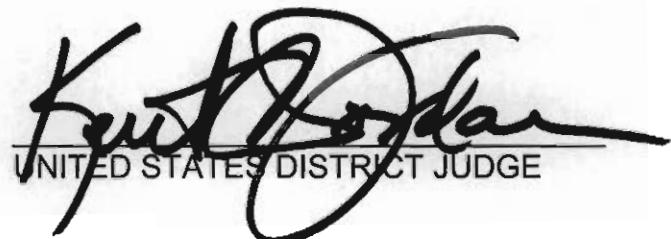
IT IS HEREBY ORDERED that the Motion for Summary Judgment that Pechiney Infringes Claim 11 of U.S. Patent No. 4,755,419 (D.I. 201), filed by Cryovac, Inc. ("Cryovac"), is GRANTED as to all ClearShield product specifications except DZ-9004-1.

IT IS FURTHER ORDERED that the Motion for Summary Judgment on Patent Issues (D.I. 195), filed by Pechiney Plastic Packaging, Inc. ("Pechiney"), is DENIED as moot to the extent that it seeks a judgment that there is no infringement under the doctrine of equivalents, and is DENIED in all other respects. IT IS FURTHER ORDERED that

Cryovac's Motion to Exclude Expert Testimony (D.I. 199) is GRANTED to the extent that Mr. Evans is precluded from opining on the substance of case law, or on the validity of any contract between Cryovac and National Beef, and to the extent that Dr. Mount will not be permitted to opine that prior art films are "oriented" as that term is used in the patent; that Motion is DENIED in all other respects. IT IS FURTHER

ORDERED that Pechiney's Motion for Summary Judgment on Lost Profits (D.I. 193) and Motion for Partial Summary Judgment on Tortious Interference Claims (D.I. 197), are DENIED, and its Motion to Strike (D.I. 281) is DENIED as moot.

IT IS FURTHER ORDERED that the parties should meet and confer upon redactions to the accompanying opinion, and submit those proposed redactions within two weeks.



The image shows a handwritten signature in black ink, which appears to read "Kurt J. Jordan". Below the signature, the text "UNITED STATES DISTRICT JUDGE" is printed in a smaller, uppercase font.

Wilmington, Delaware
April 17, 2006